IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 12561 of 2004

Between:

1 Duggireddy Ramana Reddy S/o.Chinna Tirupathi Reddy
R/o.Viruvuru Village, Varikuntapadu Mandal, Nellore District
2 Duggireddy Raghavamma W/o. Late Subba Reddy
R/o.Viruvuru Village, Varikuntapadu Mandal, Nellore District
3 Pedda Tirupathi Reddy S/o.Subba Reddy
R/o.Viruvuru Village, Varikuntapadu Mandal, Nellore District

..... PETITIONER(S)

AND

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisioanl Officer, Kavali, Nellore District.
3 The Mandal Revenue Officer, Varikuntapadu Mandal
Nellore District.
4 Kattulapalli Ramachandra Reddy S/o.Vengala Reddy
R/o.Viruvuru Village Varikuntapadu Mandal, Nellore District.
5 Kattulapalli BalReddy S/o. Not known
R/o.Viruvuru Village Varikuntapadu Mandal, Nellore District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction particularly one in the nature of writ of mandamus declaring the action of the respondents 1 to 3 in directing the petitioners to hand over 12 links of the land for the purpose of laying the road to the residents of colony people at the instance of respondents 4 and 5 as there are already existing 3 roads to the residents of colony as arbitrary and unreasonable and consequently direct the respondents 1 to 3 not to take any action in directing the petitioners to hand over the above land belonging to petitioners situated in Sy.Nio.450/4 and

450/2 situated at Viruvuru Village, Varikuntapadu Mandal, nellore District for the purpose of laying Roads to the residents of colony.

Counsel for the Petitioners:MR.G.TUHIN KUMAR

Counsel for the Respondents 1 to 3: GP FOR REVENUE

Counsel for the Respondents 4 & 5 : None appeared

The Court at the stage of admission made the following ORDER:

Petitioners, who are claiming to be the joint owners of lands to an extent of Ac.1-04 cents in Survey No.450/4 and

Ac.0-40 cents in Survey No.450/2 situated in Viruvuru Village, Varikuntapadu Mandal, Nellore District, filed the present writ petition contending that to provide way to the near-by colony people, respondents 1 to 3 are insisting them to leave some part of their land for laying the road. Accordingly, third respondent came to the village and directed them to handover a part of their land for such purpose. If the respondents 4 and 5 are interfering with the possession of the petitioners, the petitioners are at liberty to approach the Civil Court and obtain necessary injunction against them. If there is no road existing to pass adjacent to the petitioners land and if any land is required for the said purpose, it is needless to add that the respondents 1 to 3, without issuing any notice or without following any procedure, cannot dispossess the petitioners from their land.

The writ petition is accordingly disposed of. No costs.

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(A.GOPAL REDDY, J)

20th JULY, 2004.

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To

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisioanl Officer, Kavali, Nellore District.
3 The Mandal Revenue Officer, Varikuntapadu Mandal
Nellore District.

4 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad.(OUT).

5 Two CD copies.